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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,733	11/29/2001	James A. Proctor JR.	2479.1008-015	4012

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EXAMINER

HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/997,733	<b>Applicant(s)</b> PROCTOR, JAMES A.	
	<b>Examiner</b> Venkatesh Haliyur	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/24/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 (claim 13 is canceled) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.
2. Applicant has withdrawn the allowance notified on 3/14/2006 by the office for claims 1-12, 14-29. Applicant has added new claims 30-41 in the amendment filed on 4/24/2006.
3. A new search was performed and a newly found reference, Lekven et al. has been applied for rejection of claims 1-41 as presented in this office action.
4. Claims 1-41 are pending in the application. Claim 13 canceled.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Lekven et al. [US Pat:5,884,196].

Regarding claims 1,18,30, disclosed a "Method and apparatus of preserving power of a remote unit in a dispatch system" for maintaining synchronization and power control of wireless signals sent between wireless gateways comprising: transmitting, from a subscriber access unit (**remote unit, item 20 of Fig 1**) to a base station processor (**item 30 of Fig 1**), an idle mode (**dormant or passive mode**) signal for maintaining an idle mode connection there between, the idle mode signal (**access signal in passive mode**) providing synchronization with the base station processor without actively (**passively**) sending data thereto (**remote unit, item 20 of Fig 1 in passive mode sends access signals to base station, col 7, lines 1-67, col 8, lines 1-10**); receiving the idle mode signal at the base station processor, the idle mode signal having a power level associated therewith (**item 52 of Fig 2**); determining, by a power level detector in the base station processor, the power level of the idle mode signal; transmitting, to the subscriber access unit, a power control message indicative of a change to the power level of successive idle mode signals (**item 66 of Fig 2**); computing, at the subscriber access unit, a new power level corresponding to the power control message (**item 68 of Fig 2**); adjusting, at the subscriber access unit (**remote unit**), the transmission power according to the new power level (**item 70 of Fig 2**); and transmitting a successive idle mode signal (**X frames over a period of time**) from the

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subscriber access unit to the base station processor at the new power level, the subscriber access unit and the base station processor maintaining the idling mode connection at the power level (**item 70 of Fig 2**) of the power control message (**pilot signal**) [Figs 1-2, col 6, lines 10-67, col 7, lines 1-67, col 8, lines 1-10, col 9, lines 36-67, col 10, lines 1-39, abstract].

Regarding claims 2-4,19-21,31-33 Lekven et al. disclosed that the remote units is operable to send idle mode signals at predetermined intervals (**access signals received in predefined intervals**) and the predetermined intervals are time slots and wherein a plurality of a predetermined number of time slots comprises a power control group (**for two remote units at the same time**) [Fig 2, col 9, lines 37-67, col 10, lines 1-27].

Regarding claims 5-7,22-24,34-36, Lekven et al disclosed that each time slot corresponds to a particular subscriber access unit (**remote units items 20,22,24 of Fig 2**) and the power control message (**pilot signal from base station**) is sent to the subscriber access unit corresponding to the time slot of the idle mode signal and a power control metric determines the power level of the power control message (**pilot signal**) and the predetermined number of time slots is 16 (**larger slot cycle**) (Fig 2, col 7, lines 52-67, col 8, lines 1-10,col 12, lines 61-67, col 13, lines 1-32).

Regarding claims 8-10, 25-27,37-38, Lekven et al. disclosed that the power control metric further comprises at least one of a signal-to-noise ratio, a link quality measurement, a carrier-to-interference ratio (**signal to interference ratio**), and a bit-error rate (**FER, frame error rate, col 3, lines 25-54, col 5, lines 7-24**) and the power

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control message further comprises a power control bit (**field indicating the strength of the pilot signal perceived**) indicative of a change in the power level for successive idle mode signals (**X frames over a period of time T**) and computing the new power level further comprises determining which of a plurality of directional antenna elements the idle mode signal was sent from **[col 7, lines 64-67, col 8, lines 1-10, col 9 lines 36-67, col 10, lines 1-50]**.

Regarding claims 11-12,28, Lekven et al disclosed the power control message further comprises a pattern control bit indicative of which of a plurality of antenna patterns (**pilot signal corresponding to neighboring set**) is to be used for successive transmissions and the idle mode signals are sent on a reverse link (**access channel**) and the power control messages (**pilot signal**) are sent on a forward link **[col 8, lines 11-67,col 9, lines 1-25]**.

Regarding claims 14-15,29,39,Lekven et al. disclosed the power control message is sent two time slots (**two slotted mode or periodic slot cycle**) after the corresponding idle mode signal and the power control message is operable for maintaining a code phase lock **[col 11, lines 5-40]**.

Regarding claims 16-17, 40-41, Lekven et al disclosed the predetermined intervals further comprise a minimal duration (**sufficient duration**) required to maintain power control and the minimal duration corresponds to an acceptable power control error **[col 11, lines 61-67, col 12, lines 1-15]**.

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

*WH*  
08/17/06

*Ricky Ngo*  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER